IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 13117 of 2007(J)

---

PETITIONER:

---

K.RAMESH, S/O. KUNIYIL SREEDHARAN,
AGED 46 YEARS, PROPRIETOR, KENWOOD SELLERS,
MOORIYAD, KOZHIKODE, IRINGALLUR AMSOM DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:

---

1. THE DEPUTY COMMISSIONER (APPEALS),
KOZHIKODE.

2. THE SALES TAX OFFICER,
VTH CIRCLE, SALES TAX COMPLEX, NEAR PASSPORT
OFFICE, KALATHINKUNNU AMSOM, DESOM, KOZHIKODE.

3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, PUTHIYARA.

4. THE VILLAGE OFFICER,
OLAVANNA VILLAGE, KOZHIKODE.

BY SR.GOVT. PLEADER SRI.MOHAMMED RAFIQ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

---

W.P.(C) NO. 13117 OF 2007-J

---

JUDGMENT

The petitioner attacks Ext.P7 interim order. It is an order passed on a stay application filed by him along with Ext.P2 appeal, in which Ext.P1 assessment order is impugned. The main grievance of the petitioner against the assessment is that some additions were made, based on the documents obtained from the sales tax check-post. According to him, somebody transported the consignment, using his sales tax registration number. So, he prays for absolute stay.

2. Heard the learned Government Pleader for the respondents also. Going by the facts of the case and the impact of the additions on the assessment of tax, I feel that the stay granted subject to the condition of payment of 50% of the amount, is a reasonable order. But, the learned counsel for the petitioner prays for some time to remit the amount, The petitioner may pay 25% of the amount on or before 30.4.2007 and the balance 25% on or before 30.5.2007. In that event, it will be treated that the directions in Ext.P7 have been obeyed in time. The security for the balance amount shall be furnished as directed in Ext.P7. The appellate authority will

endeavour to dispose of the appeal expeditiously.

The Writ Petition is disposed of as above.

13th April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/